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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,023	02/23/2001	Armin Herbert Emil August Olschewski	107775	1361

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OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

[REDACTED] EXAMINER

KING, BRADLEY T

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3683

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/700,023	OLSCHEWSKI ET AL.
	Examiner Bradley T King	Art Unit 3683

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 08 July 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-6,9,10,12,13,16-21,24,25,29 and 30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4-6,9,12,13,16,17,21,24,25,29 and 30 is/are rejected.

7) Claim(s) 3,10 and 18-20 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

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## **DETAILED ACTION**

The finality of the office action dated 11/08/02 has been withdrawn. After further consideration, the indication of allowable subject matter in claim 7 appear to have been improper.

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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The specification fails to disclose and adequately support the features of the instant claim. Claim 12 recites “the cylinder space is formed in the nut”. This embodiment is not supported by the instant disclosure. Also note paragraph [0023] which indicates that the cylinder space 38 is formed in the housing, not the nut.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4, 9, 13, 21, 25, and 29-30 rejected under 35 U.S.C. 102(b) as being anticipated by Penrod et al (US#5788341).

Penrod et al disclose all the limitations of the instant claims including; a screw actuator having a housing, a motor 57, an actuating member 56, and a screw mechanism which provides a linear movement of the actuating member with respect to the housing in response to a rotational movement of the motor, the screw mechanism comprises a screw 53, a nut 51 engaging each other by rolling elements, the screw being rotatable with respect to the housing, and a reduction gear means (see figure 2), where the nut is fixed with respect to the housing and the screw is rotatably supported with respect to the housing by means of the rolling elements and wherein the

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screw engages the actuating member through a bearing capable of carrying an axial and a radial load. Note the ball and socket connection of the screw assembly and the piston.

Regarding claim 2, figure 2 discloses coupling means in the form of a cross pin:

Regarding claim 21, Penrod et al disclose an position sensor in figure 2.

Regarding claim 30, Penrod et al disclose the combination of the actuator with disc brakes (figure 8).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Penrod et al (US#5788341).

Penrod et al disclose all the limitations of the instant claim with exception to at least two gear reduction steps. Penrod et al instead illustrate symbolically a reduction gear. It is well known in the art to use multiple gear reduction steps to provide appropriate gearing in a compact form. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a plurality of gear stages to provide adequate gear reduction and decrease the size of the actuator.

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8. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penrod et al (US#5788341) in view of Taig (US#4850457).

Penrod et al disclose all the limitations of the instant claims with exception to a planetary gear reduction. Planetary gear reductions are well known in the art such as demonstrated by Taig. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a planetary gear reduction taught by Taig for the reduction gear of Penrod et al as an obvious means of gear reduction, allowing compact actuating arrangement.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Penrod et al (US#5788341) .

Penrod et al disclose all the limitations of the instant claim with exception to a coating on the screw mechanism. Wear resistant coatings are well known in the art of bearings to reduce friction and increase the useful life of components. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a wear resistant coating in the bearing elements of Penrod et al to increase the life and efficiency of the device.

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***Allowable Subject Matter***

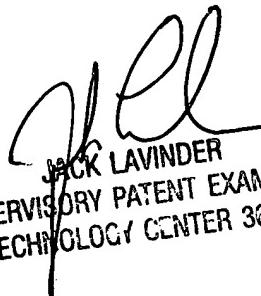
10. Claims 3, 10 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley King whose telephone number is (703)308-8346.

BTK

August 7, 2003

  
JACK LAVINDER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600